



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,767	09/11/2000	Hiroyuki Ishii	P/126-189	4989

7590 02/23/2004

STEVEN I. WEISBURD, ESQ.
DICKSTEIN, SHAPIRO, MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS
41st FLOOR
NEW YORK, NY 10036-2714

EXAMINER

CORRIELUS, JEAN B

ART UNIT PAPER NUMBER

2631

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,767

Applicant(s)

ISHII ET AL.

Examiner

Jean B Corrielus

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-44 is/are allowed.
- 6) ☒ Claim(s) 1,2,17,31 and 45 is/are rejected.
- 7) ☒ Claim(s) 4-16,18-30,32-39,42 and 46-57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 18 the dependency should be changed to "2" as claim 2 recites linear/non-linear type modulation. The claims need to be carefully amended to correct for any of such informalities. Appropriate correction is required.

Allowable Subject Matter

2. The indicated allowability of claims 1, 2, 31 and 45 is withdrawn in view of the newly discovered reference(s) to Dykema et al US patent No. 6,091,343. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hachisuka et al US Patent No. 5,598,430 in view of Dykema et al US patent No. 6,091,343.

Art Unit: 2631

As per claims 1 and 17, Hachisuka et al discloses a receiver fig. 6 having a logic discriminator circuit 111 for discriminating whether the modulation type of the reception signal is an analog modulation type or a digital modulation type. See col. 4, lines 28-32.

However, Hachisuka et al does not teach the further limitation of discriminating whether the reception signal is an AM or FM signal. In the same field of endeavor, Dykema et al teaches the further limitations of discriminating whether the reception signal is an AM or FM signal see col. 3, lines 30-42. Given that fact, it would have been obvious to one skill in the art to incorporate such a teaching in Hachisuka et al in order to effectively use of the components of the reception device.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hachisuka et al US Patent No. 5,598,430.in view of Dykema et al US patent No. 6,091,343 further in view of Nourrcier US patent No. 5,289,252.

As applied to claim 1 above, Hachisuka et al and Dykema et al discloses every feature of the claimed invention but does not explicitly teach the further step of determining whether the signal is a linear or non-linear. Nourrcier discloses such feature of the claim see col. 4, lines 35-50. it would have been obvious to one skill in the art to incorporate such a teaching in Hachisuka et al and Dykema et al in order to provide corrections to the signal to insure linear modulation of the transmitted signal see Courrcier col. 3, lines 44-47.

Art Unit: 2631

6. Claims 31 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hachisuka et al US Patent No. 5,598,430 in view of Nourrcier US patent No. 5,289,252.

As applied to claim 1 above, Hachisuka et al discloses every feature of the claimed invention but does not explicitly teach the further step of determining whether the signal is a linear or non-linear. Nourrcier discloses such feature of the claim see col. 4, lines 35-50. it would have been obvious to one skill in the art to incorporate such a teaching in Hachisuka et al in order to provide corrections to the signal to insure linear modulation of the transmitted signal see Courrcier col. 3, lines 44-47.

As per claim 45 it would have been obvious to one skill in the art to include means for extracting an envelope and a symbol clock from the reception signal in order to properly synchronize the receiver with the remote station or transmitter.

Allowable Subject Matter

7. Claims 4-16, 18-30, 32-39 and 46-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Note that the claims need to be amended, if necessary, to overcome any objection sets forth above.

8. Claims 40- 44, 58 and 59 are allowed.

Conclusion

Art Unit: 2631

2. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

(for informal or draft communications, please label "PROPOSED"
or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Jean B. Corrielus whose telephone number is (703) 305-4023.
The examiner can normally be reached on Monday-Thursday from 7:00 A.M. to 5:30 P.M.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Group receptionist whose telephone number is
(703) 305-3800.

Jm Corrielus
JEAN B. CORRIELUS
PRIMARY EXAMINER

Tc-2600

2/18/04